

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

ROSEANNE McARDLE,	:	
	:	Case No.
Plaintiff,	:	
	:	
v.	:	
	:	
DIVERSIFIED CONSULTANTS, INC.,	:	
	:	
Defendant.	:	
	:	
_____	/	

VERIFIED COMPLAINT

ROSEANNE McARDLE (Plaintiff), by her attorneys, KROHN & MOSS, LTD.,
alleges the following against DIVERSIFIED CONSULTANTS, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA),
15 U.S.C. 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that
such actions may be brought and heard before "any appropriate United States
district court without regard to the amount in controversy."
3. Because Defendant conducts business in North Carolina, personal jurisdiction is
established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Mint Hill, Mecklenburg County, North Carolina.
6. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
7. Defendant is a collection agency with a business office in Jacksonville, Florida.
8. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

9. Defendant places calls to Plaintiff since September, 2010 seeking and demanding payment of a debt she does not owe.
10. Defendant calls Plaintiff on her home telephone at 980-225-7409, from telephone number 800-604-0064.
11. Defendant calls Plaintiff and asks for someone by the name of Sara Cruise.
12. Plaintiff informed Defendant numerous times that the person Defendant is looking for cannot be reached at this number and asked that Defendant stop calling.
13. Defendant informed Plaintiff that her number would be removed from their call list; however Defendant has not done so and continues to call Plaintiff asking for Sara Cruise.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which is to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692e(2)(A) of the FDCPA by falsely representing the character, amount, and legal status of Plaintiff's alleged consumer debt because Plaintiff does not owe the debt Defendant is trying to collect.
- c. Defendant violated §1692e(10) of the FDCPA by using false and deceptive means in an attempt to collect a debt from Plaintiff because Plaintiff does not owe the debt alleged by Defendant.
- d. Defendant violated §1692f(1) of the FDCPA by attempting to collect a debt that is not authorized by the agreement because Plaintiff does not owe the debt.

Wherefore, Plaintiff, ROSEANNE McARDLE, respectfully requests judgment be entered against Defendant, DIVERSIFIED CONSULTANTS, INC., for the following:

- 15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
- 16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.

17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, DIVERSIFIED CONSULTANTS, INC., demands a jury trial in this cause of action.

Dated: April 4, 2011

RESPECTFULLY SUBMITTED,

By: /s/ Christopher D. Dane

Christopher D. Lane, Esq.
NC Bar ID # 20302
3333 Brookview Hills Blvd., Suite 206
Winston-Salem, NC 27103
Tel: 336-760-1541
cdllaw@juno.com

Of Counsel
Michael S. Agruss, Esq.
California SBN: 259567
Krohn & Moss, Ltd.
10474 Santa Monica Blvd., Suite 401
Los Angeles, CA 90025
Tel: 323-988-2400 x235
Fax: 866-620-2956
magruss@consumerlawcenter.com

Attorneys for Plaintiff,
ROSEANNE McARDLE

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NORTH CAROLINA

Plaintiff, ROSEANNE McARDLE, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, ROSEANNE McARDLE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

1/28/2011
Date

Roseanne McARDLE
ROSEANNE McARDLE

PLAINTIFF'S VERIFIED COMPLAINT

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